

A. OBJECTIONS TO THE DECLARATION AND SPECIFICATION ARE OVERCOME

Applicants submit that the replacement Declaration signature page executed by applicant Kareemi, and the amended portions of the Specification address the issues raised by the Examiner.

B. THE 35 USC § 112 ¶ 2 OBJECTIONS ARE OVERCOME

Amended claim 22 depends from claim 11 and adds the further step of using the retrieved electronic record as proof of the transaction. Applicants submit amended claim 22 sufficiently distinctly claims the present invention.

Amended claim 23 depends from claim 11, and adds the further step of using the electronic record as proof of the transaction adequate to dispute an alternative record of the transaction. Applicants submit amended claim 23 sufficiently distinctly claims the present invention.

Amended claim 24 depends from claim 11, and adds the further step of using the electronic record as proof of the transaction sufficient to return the goods or service that was the subject of the transaction. Applicants submit claim 24 sufficiently distinctly claims the present invention.

Amended claim 25 depends from claim 11, and adds the further step of using the electronic record as proof of the transaction sufficient to exchange the goods or service that was the subject of the transaction. Applicants submit claim 25 sufficiently distinctly claims the present invention.

Amended claim 26 depends from claim 11, and adds the further step of using the electronic record as proof of the transaction sufficient to support submitting a warranty claim with respect to the goods or service that was the subject of the transaction. Applicants submit that claim 26 sufficiently distinctly claims the present invention.

Amended claim 30 depends from claim 9 and recites that the replica (retrieved in claim 9) is a replica that is suitable for use as proof of the transaction. Amended claim 31 depends from claim 10 and recites that the receipt (generated in claim 10) is a receipt that is suitable for use as proof of the transaction. So amended, applicants submit claims 30 and 31 sufficiently distinctly claim the present invention.

C. THE 35 USC § 102 REJECTIONS ARE OVERCOME

Robinson '022 is directed to a system that enables a merchant to authenticate electronic transactions that are carried out over a public network such as the internet. A merchant involved in the transaction causes the transaction record to be encrypted to prevent alteration by others. The encrypted transaction record is then appended to a plaintext message that describes the transaction, and a digital receipt is formed from the encrypted transaction record and the plaintext message. The digital receipt is then communicated to a computer controlled by the customer involved with the merchant in the subject transaction. The customer at some later time can then present the digital receipt to the merchant. The merchant can authenticate the

transaction, for example by decrypting the transaction record and comparing it to a version previously stored on a database.

However Robinson '022 is directed to essentially to purely internet type transactions (see col. 2, lines 43-45), transactions that may involve purchasing books from say Amazon.com. As such, Robinson is very concerned with maintaining security and mechanisms for authenticating such transactions including authenticating transaction receipts.

But in the present invention, a point-of-sale (POS) device such as device 126 (see Fig. 1) is typically physically present at a merchant location, e.g., a so-called brick-and-mortar location. As noted in the Specification at page 12, lines 28-32, the customer actually presents items to be purchased to the merchant for bar-code scanning or the like. As noted at page 13, lines 3-21, the merchant's POS device receives such scan information, e.g., information relating to the transaction. Preferably the merchant will cause a batch of information relating to various transactions to be communicated to a merchant data center (127, see Fig. 1), from which data can be batch communicated to a so-called data farm (140, see Fig. 1). At some later time (and indeed place), the customer can access via the internet the equivalent of a receipt relating to this or indeed several transactions (see Specification, page 14, lines 19-21).

Thus in amended claim 1 and claims dependent therefrom, the subject transaction takes place at a merchant location. By contrast, Robinson '022 appears to be directed to transactions that occur at virtual internet locations, e.g., websites. Because Robinson '022 fails to disclose every step recited in amended claim 1, Robinson must be withdrawn as a 35 USC § 102(b) reference. Thus, claims 1, 4, 10, 11, 22, 23, 27, and 31 (inter alia) are patentable over Robinson.

D. THE 35 USC § 103 REJECTIONS ARE OVERCOME

Claims 24-26 were rejected as being obvious in view of Robinson '022. But as noted above, Robinson '022 is directed to preserving and authenticating receipts in a purely internet type transaction. Claims 24-26 depend from claim 1, which is directed to a brick-and-mortar based transaction, that involves an actual merchant location. As such, applicants submit that one skilled in the art would not modify (or perhaps even attempt to modify) what is disclosed or suggested in Robinson '022 to arrive at the present invention defined by claims 24-26.

Claims 3, 9, and 30 were rejected as being obvious in view of Robinson '022 in view of Ballard '988. But again, each of claims 3, 9, and 30 depend ultimately from claim 1, which involves a transaction that is created at a merchant location. Ballard's contribution to the art appears to be providing a central processing and storage system. But even if Ballard were somehow combinable with Robinson (and there is no evidence that the two disclosures can be melded), the result would still not be the invention defined by claims 3, 9, and 30, which as noted depend from amended claim 1.

Claims 13, 14, 21 and 29 were rejected as unpatentable over Robinson in view of Kobayashi 825. Kobayashi's contribution to the art appears to be a mechanism that

may be operable to search text line item descriptions in a record repository, and to retrieve and print selected such records. But as to claims 13, 14, and 21, which depend from claim 1, a combination of Robinson and Kobayashi, assuming one could indeed meld the two disclosures (and there is no showing that this is even feasible) still would not involve a brick-and-mortar merchant location-based transaction. As such, applicants submit that claims 13, 14, and 21 are patentable over these two references.

Amended claim 29 recites that the electronic record, electronic signature and other electronic record of the transaction be forwarding in a batch-compatible fashion to the electronic-record repository. By contrast, the primary Robinson reference appears to require transmission on a per-transaction basis. This is not surprising, however, in that Robinson is concerning with authenticating receipts and transaction in purely electronic commerce.

Applicants submit that claim 29 is patentable over what is disclosed or suggested in Robinson and/or Kobayashi. In essence, the present invention forwards for storing artifacts of a transaction (e.g., a receipt) but not payment per se, which appears to be central to Robinson.

A marked up version of the text showing amendments effected hereby is appended hereto and is captioned "Version with Markings to Show Changes Made." An Appendix of Claims Pending After Current Amendment, so captioned, follows said marked up version.

* * * * *

For the above reasons, applicants submit that pending claims 1, 3, 4, 9-11, 13, 14, 21-27 and 29-31 are allowable over the art of record.

Applicants believe that no additional fees are due at this time. However, the Commissioner is nonetheless hereby authorized to charge any additional fees which may be due, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (our Order No. 468820-00010 [A-65188-1/MAK]).

Respectfully submitted,

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[468820-00010]



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The first through sixth paragraphs beginning at page 2, line 1 of the Preliminary Amendment of 15 June 2000 and concluding at page 3, line 2 thereof, as added to the specification thereby were amended as follows:

U.S. Patent Application No. 09/588,264, entitled, "Obtaining a Signature Using a Markup Language," filed June 5, 2000, naming J. Gregory Stout as sole inventor, ~~with Attorney Docket No. A-68100/MAK/LM,~~ and under obligation of assignment to ReceiptCity.com of San Jose, California;

U.S. Patent Application No. 09/588,268, entitled, "A Visual Design Tool for Interactive Point-of-Sale Devices," filed June 5, 2000, naming J. Gregory Stout as sole inventor, ~~with Attorney Docket No. A-68136/MAK/LM,~~ and under obligation of assignment to @POS.com of San Jose, California;

U.S. Patent Application No. 09/588,589, ~~09/_____,~~ entitled, "A Secure Internet Vault for Consumer Receipts, Legal Documents and Commerce," filed June 5, 2000, naming Scott T. Allan et al. as joint inventors, ~~with Attorney Docket No. A-68140/MAK/LM,~~ and under obligation of assignment to ReceiptCity.com of San Jose, California;

U.S. Patent Application No. 09/586,738, entitled, "A Point-of-Sale/Service (POS) Portal," filed June 5, 2000, naming Scott T. Allan et al. as joint inventors, ~~with Attorney Docket No. A-68141/MAK/LM,~~ and under obligation of assignment to ReceiptCity.com of San Jose, California;

U.S. Patent Application No. 09/588,036, entitled, "Displaying Color Advertisements on Point-of-Sale/Service (POS) Platforms," filed June 5, 2000, naming Scott T. Allan et al. as joint inventors, ~~with Attorney Docket No. A-68143/MAK/LM,~~ and under obligation of assignment to ReceiptCity.com of San Jose, California; and

U.S. Patent Application No. 09/588,037, ~~09/_____,~~ entitled, "System for Consumer-Transaction Information that Follows the Consumer," filed June 5, 2000, naming J. Gregory Stout as sole inventor, ~~with Attorney Docket No. A-68146/MAK/LM,~~ and under obligation of assignment to ReceiptCity.com of San Jose, California.

The Table of Contents found on page 9 of the specification, at lines 4-24, was deleted in its entirety.

IN THE CLAIMS:

Claims 1, 3, 4, 9, 21-26 and 29-31 were amended as follows:

1. (amended) A method for storing and retrieving electronic records, the method comprising the following steps:

creating a transaction at a merchant location by buying one of a goods and service;

authorizing the transaction with an electronic signature; and

forwarding an electronic record of the transaction, including the electronic signature and a text description of a line item relating to the transaction, to an electronic-record repository.

3. (amended) The method of claim 1, further comprising the step of:

forwarding to the electronic-record repository an electronic record of a transaction created at a business other than the merchant.

4. (amended) The method of claim 1, wherein the step of creating comprises

creating the transaction by buying from a virtual merchant.

9. (amended) The method of claim 1, further comprising the steps of:

generating a paper receipt for the transaction; and

retrieving a replica of the paper transaction receipt from the electronic-record repository over an internet.

21. (amended) The method of claim 1, further comprising [the step of one

of] at least one step selected from a group consisting of downloading, printing, faxing, and e-mailing a copy of the electronic record from the electronic-record repository.

22. (amended) The method of claim 11, further comprising the step of:

[then] using the retrieved electronic record as proof of the transaction.

23. (amended) The method of claim [22] 11, further comprising a step of

[wherein the step of using comprises then] using the electronic record as proof of the transaction [in order] adequate to dispute an alternative record of the transaction.

24. (amended) The method of claim [22] 11, further comprising a step of

[wherein the step of using comprises then] using the electronic record as proof of the transaction sufficient [in order] to return the bought goods or service.

25. (amended) The method of claim [22] 11, further comprising a step of

[wherein the step of using comprises then] using the electronic record as proof of the transaction sufficient [in order] to exchange the bought goods or service.

26. (amended) The method of claim [22] 11, further comprising a step of

[wherein the step of using comprises then] using the electronic record to [file] support submission of a warranty claim with respect to the bought goods or service.

29. (amended) A method for storing and retrieving electronic records, the method comprising the following steps:

creating a transaction at a merchant by buying one of a goods and service from a virtual merchant;

authorizing the transaction with an electronic signature;

forwarding in a batch-compatible fashion an electronic record, and including the electronic signature and a text description of a line item to an electronic-record repository;

forwarding in a batch-compatible fashion to the electronic-record repository an electronic record of a transaction created at a business other than the merchant; [then] offering a search of the electronic-record repository by text line item description for the electronic record;

retrieving a copy of the electronic record from the electronic-record repository over an internet;

performing one of downloading, printing, faxing and e-mailing a copy of the electronic record; and

[then] using the electronic record as proof of the transaction in order to do one of the following: dispute an alternative record of the transaction; return the bought goods or service; and exchange the goods or service.

30. (amended) The method of claim 9, wherein said replica is suitable for use [further comprising the step of then using the replica] as proof of the transaction.

31. (amended) The method of claim 10, wherein said receipt is suitable for use [further comprising the step of then using the generated receipt] as proof of the transaction.

IN THE ABSTRACT OF THE DISCLOSURE:

The original Abstract of the Disclosure found on page 39 of the specification was deleted in its entirety and replaced with a new and completely rewritten Abstract of the Disclosure as follows:

ABSTRACT OF THE DISCLOSURE

A method and system enables a customer to enter into a transaction at a merchant location, to authorize the transaction with an electronic signature, and to enable the merchant to forward an artifact of the transaction for storing in an electronic-record repository, the artifact preferably including an electronic record of the transaction and any relevant electronic customer signature. Storing preferably is carried out in a batch-compatible format. Subsequent to storage, the customer can remotely retrieve evidence of the transaction that can include an image of the customer's signature made at the time of the transaction.

APPENDIX OF CLAIMS PENDING AFTER CURRENT AMENDMENT

Sub C1
B2

1. (amended) A method for storing and retrieving electronic records, the method comprising the following steps:
creating a transaction at a merchant location by buying one of a goods and service;
authorizing the transaction with an electronic signature; and
forwarding an electronic record of the transaction, including the electronic signature and a text description of a line item relating to the transaction, to an electronic-record repository.

B3 C1

3. (amended) The method of claim 1, further comprising the step of:
forwarding to the electronic-record repository an electronic record of a transaction created at a business other than the merchant.

4. (amended) The method of claim 1, wherein the step of creating comprises creating the transaction by buying from a virtual merchant.

C1
B4

9. (amended) The method of claim 1, further comprising the steps of:
generating a paper receipt for the transaction; and
retrieving a replica of the paper transaction receipt from the electronic-record repository over an internet.

10. The method of claim 1, further comprising the step of generating a receipt for the transaction from the electronic record forwarded to the electronic-record repository.

11. The method of claim 1, further comprising the step of retrieving a copy of the electronic record from the electronic-record repository over an internet.

C1
B5

13. The method of claim 1, further comprising the step of offering a search of the electronic-record repository for the electronic record.

14. The method of claim 13, wherein the step of offering comprises offering a search of the repository by text line-item description.

C1
B6

21. (amended) The method of claim 1, further comprising at least one step selected from a group consisting of downloading, printing, faxing, and e-mailing a copy of the electronic record from the electronic-record repository.

22. (amended) The method of claim 11, further comprising the step of:
using the retrieved electronic record as proof of the transaction.

23. (amended) The method of claim 11, further comprising a step of using the electronic record as proof of the transaction adequate to dispute an alternative record of the transaction.

24. (amended) The method of claim 11, further comprising a step of using the electronic record as proof of the transaction sufficient to return the bought goods or service.

25. (amended) The method of claim 11, further comprising a step of using the electronic record as proof of the transaction sufficient to exchange the bought goods or service.

26. (amended) The method of claim 11, further comprising a step of using the electronic record to support submission of a warranty claim with respect to the bought goods or service.

27. The method of claim 1, further comprising the step of viewing the electronic record, including the electronic signature.

29. (amended) A method for storing and retrieving electronic records, the method comprising the following steps:

creating a transaction at a merchant by buying one of a goods and service from a virtual merchant;

authorizing the transaction with an electronic signature;

forwarding in a batch-compatible fashion an electronic record, and including the electronic signature and a text description of a line item to an electronic-record repository;

forwarding in a batch-compatible fashion to the electronic-record repository an electronic record of a transaction created at a business other than the merchant;

offering a search of the electronic-record repository by text line item description for the electronic record;

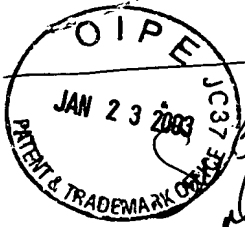
retrieving a copy of the electronic record from the electronic-record repository over an internet;

performing one of downloading, printing, faxing and e-mailing a copy of the electronic record; and

using the electronic record as proof of the transaction in order to do one of the following: dispute an alternative record of the transaction; return the bought goods or service; and exchange the goods or service.

30. (amended) The method of claim 9, wherein said replica is suitable for use as proof of the transaction.

31. (amended) The method of claim 10, wherein said receipt is suitable for use as proof of the transaction.



ABSTRACT OF THE DISCLOSURE

A method and system enables a customer to enter into a transaction at a merchant location, to authorize the transaction with an electronic signature, and to enable the merchant to forward an artifact of the transaction for storing in an electronic-record repository, the artifact preferably including an electronic record of the transaction and any relevant electronic customer signature. Storing preferably is carried out in a batch-compatible format. Subsequent to storage, the customer can remotely retrieve evidence of the transaction that can include an image of the customer's signature made at the time of the transaction.

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